



**DEPARTMENT OF AGRICULTURE
CHIEF FREEDOM OF INFORMATION ACT OFFICER REPORT
March 2024**

We provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues based on public policy, the best available science, and effective management.

We have a vision to provide economic opportunity through innovation, helping rural America to thrive; to promote agriculture production that better nourishes Americans while also helping feed others throughout the world; and to preserve our Nation's natural resources through conservation, restored forests, improved watersheds, and healthy private working lands.



Photo Courtesy of Brian Prechtel, USDA/ARS

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EXECUTIVE SUMMARY

The United States Department of Agriculture (USDA) was founded by President Abraham Lincoln in 1862 and was quickly coined “The People’s Department.” At the time, more than half of all American either lived or worked on farms, compared with the two percent today. Despite this decrease, USDA is still fulfilling Lincoln’s vision of touching the lives of every American through its mission to provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management.

To successfully accomplish its mission, USDA operates more than 300 programs through an extensive network of Federal, State, and local cooperators. These programs affect every American, every day, by providing a safe and stable food supply, nutrition assistance, renewable energy, rural economic development, care for forest and conservation lands, and global opportunities for farm and forest products. These programs also hold the answers to pressing global issues like the need for renewable energy, increasing crop yields to combat hunger, protecting the food supply, and optimizing internal trade.

USDA’s success is dependent on several core values. Among them is transparency. Central to USDA’s effort to increase transparency is its Freedom of Information Act (FOIA) program. The Department’s Acting General Counsel, Mary Beth Schultz provides program oversight for USDA’s FOIA offices at the agency and mission area. These offices interpret records requests, seek clarification from requesters, make fee determinations, redact, and release records, perform referrals and consultations, prepare appeals, consider discretionary releases, contact business submitters, and assist the Office of General Counsel (OGC) with FOIA litigation. And collectively, they process tens of thousands of records requests annually.

USDA’s FOIA program is led by the General Counsel’s, Office of Information Affairs (OIA). The OIA provides day-to-day coordination and ensures statutory compliance with the FOIA. The OIA also processes FOIA requests,

consultations, and appeals on behalf of all USDA staff offices except for the Office of the Inspector General (OIG). The OIA also handles the FOIA functions for the Research, Education and Economics (REE) and the Trade and Foreign Agricultural Affairs (TFAA) mission areas. The Farm Production and Conservation Service (FPAC), Food Nutrition and Conservation Services (FNCS), Food Safety (FS), Rural Development (RD), and the Marketing and Regulatory Programs (MRP) mission areas all continue to process independently but do coordinate with the OIA to ensure standardization in the areas of processing, training, and management.

In Fiscal Year 2023, USDA received a total of 16,605 FOIA requests. Approximately 68% of these incoming FOIA requests were directed to the USDA's FPAC mission area. The NRE mission area received about 11%, the MRP mission area about 9%, OIA about 4%, RD about 3%. The remaining agencies all collectively received 5% of the incoming requests. As for processing, USDA closed 16,242 initial requests and realized a slight, 1% reduction in its overall backlog for initial requests. USDA also closed its ten oldest initial requests and consultations and significantly reduced its time to adjudicate expedited requests.

The following report provides a comprehensive review of the steps taken throughout the Department of Agriculture to improve its FOIA administration since publication of the last Chief FOIA Officer Report in March 2023.

This report encompasses the efforts of the following mission areas and staff offices:

Mission Areas:

Farm Production and Conservation (FPAC)¹

Farm Service Agency (FSA)

¹ On May 11, 2017, USDA announced the standing up of a newly named Farm Production and Conservation (FPAC) mission area to have a customer focus and meet USDA constituents in the field.



Natural Resources Conservation Service (NRCS)
Risk Management Agency (RMA)

Food and Nutrition & Consumer Services (FNCS)

Food and Nutrition Service (FNS)

Food Safety

Food Safety and Inspection Service (FSIS)

Marketing Regulatory Programs

Agricultural Marketing Service (AMS)²

Animal & Plant Health Inspection Service (APHIS)

Natural Resources and Environment (NRE)

Forest Service (FS)

Research, Education and Economics (REE)

Agricultural Research Service (ARS)

Economic Research Service (ERS)

National Agricultural Statistics Service (NASS)

National Institute of Food and Agriculture (NIFA)

Rural Development (RD)

Rural Business Service

Rural Utilities Service

Rural Housing Service

Trade and Foreign Agricultural Affairs (TFAA)³

Foreign Agricultural Service

² On September 7, 2017, USDA announced the realignment of several offices within the USDA. The Grain Inspection, Packers, and Stockyards Administration (GIPSA) and several program areas from the Farm Service Agency (FSA) joined the Agricultural Marketing Service (AMS) to help us better meet the needs of farmers, ranchers, and producers, while providing improved customer service and maximize efficiency.

³ In keeping with Congress' directive in the 2014 Farm Bill and to advance agricultural trade, the Department created an Under Secretary for Trade and Foreign Agricultural Affairs (TFAA). While reviewing options for improving coordination on trade and international activities, USDA determined that the Codex Alimentarius program (U.S. Codex Office), currently housed in the Food Safety and Inspection Service (FSIS), will be moved to the newly created TFAA mission area. The U.S. Codex Office is an interagency partnership which engages stakeholders in the development of international governmental and non-governmental food standards. The focus of the Codex Office aligns better with the mission of TFAA.

Codex Alimentarius Commission

Staff Offices:

Departmental Administration (DA)

Office of Advocacy and Outreach (OAO)

Office of the Chief Information Officer (OCIO)

Office of the Executive Secretariat (OES)

Office of Homeland Security & Emergency Coordination (OHSEC)

Office of Human Resource Management (OHRM)

Office of Operations (OO)

Office of Procurement & Property Management (OPPM)

Office of Small & Disadvantaged Business Utilization (OSDBU)

Office of Budget & Program Analysis (OBPA)

Office for the Assistant Secretary of Civil Rights (OASCR)

Office of Hearing and Appeals

National Appeals Division (NAD)

Office of the Administrative Law Judge (OALJ)

Office of the Judicial Officer (OJO)

Office of the Chief Financial Officer (OCFO)

National Finance Center (NFC)

Office of the General Counsel (OGC)

Office of Ethics (OE)

Office of Information Affairs (OIA)

Office of Inspector General (OIG)

Office of the Secretary (OSEC)

Section I: FOIA Leadership and Applying the Presumption of Openness

A. Leadership Support for FOIA:

- 1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1)(2018). Is your agency's Chief FOIA Officer at this level?**

Yes. USDA's Chief FOIA Officer (CFO) is a senior official at least at the Assistant Secretary or equivalent level in accordance with 5 U.S.C. §552(j)(1).

- 2. Please provide the name and title of your agency's Chief FOIA Officer.**

USDA's Acting General Counsel, Mary Beth Schultz, was designated as the Department's CFO. Ms. Schultz is a senior official and directly reports to the Secretary of Agriculture.

- 3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan.**

USDA has not yet incorporated FOIA in its overall strategic plan.

B. Presumption of Openness:

- 4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions. Does your agency provide such confirmation in its response letters?**

Yes. In compliance with the Attorney General’s FOIA Guidelines, USDA’s FOIA components now confirm they have considered the foreseeable harm standard in response letters.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:

- a. The number of times your agency issued a full or partial Glomar response (separate full and partial if possible).**
- b. The number of times a Glomar response was issued by exemption.**

While not a frequent occurrence, USDA does on occasion invoke Glomar with FOIA Exemptions 6 and/or 7(c). Since these Glomar responses are not currently tracked in USDA’s enterprise wide FOIA tracking system, any immediate requests for statistical data, would require a manual review of each component’s interim and final determinations.

6. If your agency does not track the use of Glomar responses, are you planning to track this information in the future?

Beginning in Quarter 3 of Fiscal Year 2024, the Office of Information Affairs (OIA) will include Glomar counts as a requirement for its quarterly data call to all USDA FOIA components.

Section II: Ensuring Fair and Effective FOIA Administration

A. FOIA Training

- 1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.**

All performance plans in the CFO's OIA continue to have a FOIA training provision requiring each Government Information Specialists (GIS) to participate in a minimum of two substantive training courses annually to strengthen employees' knowledgebase and ensure skills continue to match the changes in the evolving caselaw. The OIA's professionals also meet monthly to discuss select cases on the Department of Justice, Office of Information Policy's (DOJ-OIP) Court Decision Overview and their relevance to records routinely reviewed.

The CFO also continues to require onboarding attorneys and legal professionals in the Office of General Counsel (OGC) to participate in a 60-minute substantive OIA primer on FOIA, that includes instruction on procedural requirements, how to perform a reasonable search, and exemption application for the Department's commonly invoked exemptions. The OIA also met with offboarding OGC employees weeks before departure to ensure satisfaction of any outstanding FOIA searches and consultations.

The OIA also continues to circulate training opportunities across USDA. These include opportunities offered via USDA's internal online training repository, AgLean as well as instruction offered by the DOJ-OIP, the National Archives and Records Administration (NARA), and the American Society of Access Professionals (ASAP).

- 2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during**

the reporting period such as that provided by the Department of Justice?

Yes. USDA's FOIA professionals continued to participate in substantive FOIA training during the reporting period.

3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

DOJ-OIP: USDA's FOIA professionals also attended the following training programs provided by the DOJ-OIP:

- FOIA Processing from Start to Finish Workshop
- Advanced Freedom of Information Act
- Exemptions 1 and 7
- Exemptions 4 and 5
- Privacy Considerations Workshop
- Administrative Appeals, FOIA Compliance and Customer Service
- FOIA Litigation

Other External Training Courses and Conferences: USDA's FOIA professionals also participated in the following external training courses and conferences:

- ASAP National Conference
- ASAP FOIA/Privacy Act Training Workshop
- ASAP Recent Significant FOIA Decisions

Many USDA components also continued to provide substantive FOIA training for their Government Information Specialists.

4. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Approximately 92% of USDA’s FOIA professionals participated in either one or more substantive FOIA training courses.

- 5. OIP has [directed agencies](#) to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.**

Not applicable. More than 80% of USDA’s FOIA professionals participated in substantive FOIA training courses.

- 6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations, and expectations during the FOIA process.**

The OIA continues to provide virtual and in-person FOIA training to all new onboarding political appointees. This 30-minute FOIA training provides an overview of USDA’s FOIA program, the importance of conducting timely searches and promptly returning records, the importance of senior leadership support in USDA’s administration of FOIA, and overall best practices. The OIA also routinely participates in USDA’s subcabinet and other appointee meetings to provide a short “FOIA moment,” that emphasizes one or two FOIA best practices.

The OIA also continues to provide virtual training to all new onboarding attorney advisors, legal professionals, and interns in the OGC. This training is coupled with Records Management and emphasizes the role of OGC in the FOIA process, specifically, legal sufficiency reviews for USDA FOIA administrative appeals and requirements for FOIA litigation.

The OIA also continues to provide training upon request to various offices across USDA. As an example, the OIA in partnership with the Forest Service FOIA Office provided a 90-minute FOIA overview for Forest Service’s Peer Partnership Coordinators on the substantive issues that may affect USDA partners. Another example includes the Office of Congressional Relations, for which the OIA advised on topics like agency versus congressional records and the requirements for conducting adequate searches.

The Animal and Plant Health Inspection Service (APHIS) FOIA office developed and delivered three training courses for 100+ APHIS employees that emphasized the timely return of records and best practices for conducting search. APHIS also collaborated with its Veterinary Services program on how to best review Highly Pathogenic Avian Influenza records.

The Forest Service’s (FS) FOIA office continued to provide multiple formal and informal training seminars throughout the reporting period for its non-FOIA agency colleagues in senior level positions, environmental coordinators, the Procurement and Property Services Office, Lands and Realty Management Office, Human Resources Management Strategic Operations Office, Fire and Aviation Management/Operations Risk Management Office. In addition to these training sessions, FS also issued an advisory to its regional employees on their FOIA obligations.

The Food Safety and Inspection Service (FSIS) FOIA office provided virtual FOIA training to its Office of Public Health Science’s Applied Epidemiological Staff. The FSIS training detailed the FOIA process in FSIS, search requirements, and frequently cited exemptions.

And finally, USDA’s Food and Nutrition Service (FNS) FOIA Office continued to offer many of its non-FOIA colleagues FOIA instruction. There was a total of four virtual training sessions for the FNS FOIA liaisons from all its program offices, recurring virtual training sessions for onboarding FNS employees, annual virtual training instruction for FNS’s leadership team, and general

virtual instruction on FOIA best practices to FNS' Mountain Plains, Southeast, and Midwest Regional Offices.

B. Outreach

- 7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests to clarify or narrow the scope of the request so requesters can receive responses more quickly.**

Yes. USDA's FOIA components continue to reach out to requesters for clarification regarding complex requests to see if we can effectively narrow the scope so that we can get the records of greatest interest to the requester in a timely manner. The substance of the communication varies based on the request and whether it is unmanageable as written or just requires clarification to avoid a voluminous number of records. In many cases, we continue to advise requesters after consulting with our subject-matter experts so that we can provide specific suggestions for narrowing a complex request and set realistic expectations with response times.

- 8. Outside of the standard request process or routine FOIA liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.**

The APHIS FOIA office provided proactive negotiations with its stakeholders regarding its agency records, ensuring FOIA requests were clear, meeting their needs, and consolidated where possible. APHIS reported negotiating approximately 16% of the 1,100 incoming requests, closing 28 duplicate

requests, redirecting 20 requests to more appropriate offices, clarifying and narrowing more than 100 requests, and negotiating the withdrawal of 21 requests for its community of requesters.

The FS Region 9 FOIA office contacted one of its frequent requesters regarding a new project at the Daniel Boone National Forest and explained the anticipated timeline for a high visibility project to dramatically reduce the response time from FS. For another unrelated records request, Region 9 also initiated a meeting with a frequent requester's attorney and its subject matter experts regarding records for a catastrophic ski area accident; because of the meeting, the request was refined, and the estimated response time was reduced to 30 days from the originally anticipated nine months.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2022.

USDA estimates that it received less than 30 requests for service by our FOIA Public Liaisons.

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

Yes. USDA's FOIA components routinely evaluate the allocation of agency personnel resources needed to respond to both current and anticipated FOIA demands. USDA's OIA is pleased to report that it finally received appropriated funds and therefore could eliminate some of its Interagency Agreements (IAAs) with other USDA FOIA components. Having this direct

funding source in lieu of exchanging funds via IAAs ensures the continuity of services for many of the OIA's contractual agreements to include FOIA contractor support. The OIA continues to advocate for additional funding as the number of incoming FOIAs continues to outpace the current resources.

APHIS continues to devote significant contract resources to the processing of Animal Care (AC) records requests as those requests generally account for 50% of APHIS's FOIA queue annually. The APHIS' AC FOIA contract team provided 494 responses amounting to the review of +120k pages of records. This amount is more than any previous contract term for the AC FOIA contract team by 200 responses. Given the success of the AC FOIA contract team and the contract's conclusion, AC has committed to permanently fund four full-time GISs to process its requests.

The Farm Production and Conservation Business Center's (FPAC-BC) FOIA office implemented a Service Area plan to help them better manage the national level FOIA Program and the agency FOIA POCs (specifically for Natural Resource Conservation Service and the Farm Service Agency). FPAC divided the country up into four service areas, each managed by an FPAC-BC FOIA specialist. Ideally the FPAC-BC FOIA specialists will: (1) consult, collaborate with and assist agency State FOIA Coordinators to determine how to best respond to complex FOIA/PA requests received at the county or State level; (2) maintain lists of agency State FOIA Coordinators; (3) monitor the FOIA tracking systems to identify open or overdue requests and assist with processing when necessary; (4) assist agency State FOIA Coordinators in completing their reporting obligations; (5) provide training to agency State FOIA Coordinators and agency employees; and (6) improve processes and provide guidance when necessary.

The FS Region 8 and Region 9 FOIA offices found that their existing resources do not meet their current demands. During a recent internal assessment evaluating their processing procedures, document review was identified as an area requiring immediate attention. Accordingly, two additional employees' position descriptions were modified to include this task as a supplemental duty. Although only in place less than 90 days, this

resource allocation has already positively impacted processing times. Some of the oldest requests have already closed and backlogs have reduced. These two Regional FOIA offices have also built a cadre of skilled FOIA support staff to assist in times of heavy demand. Those in the cadre have already been called to action to assist with the review of records in litigation and other high-volume requests.

Rural Development (RD) has levered the background experience and specialties of its GIS to build resident experts for more efficient and effective processing of requests for its business, housing, and utility program records. RD also designated its senior GISs to serve as team leaders and issued new position descriptions, accordingly. In these roles, the team leaders conduct second-line reviews of all determinations and responsive records, most of which are extremely complex prior to disclosure. The team leaders also ensure that all responsive records received from the RD's programs and state offices, especially for multi-faceted requests, are accurate and complete. RD also hired an additional GIS and selected an individual from the organization for an extended detail to manage incoming requests in RD's FOIA Intake Section.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

All our FOIA components use data or processing metrics to ensure efficient management. For example, APHIS FOIA office continues to provide quarterly search reports to the APHIS mission programs to document and reconcile outstanding record searches. APHIS also continues to compute monthly reports detailing the number of cases received, closed, and backlogged, the number of pages reviewed and delivered to show backlog and pending reduction goals. Using projections, APHIS develops annual production goals and employee metrics. For example, in Fiscal Year 2023, APHIS federal FOIA team reviewed about 300k+ pages for its final responses alone which totaled

about 20k pages per GIS. APHIS also tracked and prioritized the closing of the cases by year as part of employee performance. As a result, APHIS closed 326 of the 526 oldest requests existing at the beginning of the Fiscal Year.

Like APHIS, FSIS and the OIA utilize metrics from the enterprise wide FOIA tracking system. While there are multiple reports and metrics that can be generated, FSIS and the OIA rely heavily on the up to the minute graphs that measure the number of assigned requests to a given GIS. Those graphs are used to assign incoming requests and ensure an even distribution of work. This consistent monitoring was one of several contributing factors to FSIS' 54% and the OIA's 33.7% decreases in backlog.

The FPAC continues to use a variety of FOIA Trackers for those programs of interest to FPAC's requesters like Inflation Reduction Act initiatives. These FPAC trackers continue to be delivered both weekly and daily to staff, agency leadership, and member of the FPAC FOIA Team. These trackers provide up-to-date information on incoming requests, pending, and closed requests and administrative appeals.

Section III: Proactive Disclosure

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

Steps continue to vary from component to component, but generally program offices will notify and seek the input of public affairs and communications staff about records involving significant policy decisions that they believe should be proactively disclosed to the public.

2. How long after identifying a record for proactive disclosure does it take your agency to post it?

The timeline varies but is driven in large part by the length of time required for the review under Section 508 of the Rehabilitation Act.

3. Does your agency post logs of its FOIA requests?

Yes. Many USDA FOIA components post PDF versions of their request logs. They generally contain the FOIA tracking number associated with the request, the requester’s name and organization if known, the date the request was received, and a brief description of the records sought.

4. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. 552(a)(2)(D). Please include links to these materials as well.

Component	Examples
AMS	<p>More and Better Choices for Farmers: Promoting Fair Competition and Innovation in Seeds and Other Agricultural Inputs</p> <p>https://www.ams.usda.gov/sites/default/files/media/SeedsReport.pdf</p> <p>This report was directed by President Biden’s Executive Order Number 14036: “Promoting Competition in America’s Economy.” This report represents USDA’s best efforts, to date, to grapple with certain longstanding challenges associated with promoting competition and protecting intellectual property in relation to agriculture.</p>
AMS	<p>Federal Grain Inspection Service (FGIS) Exceptions and Waivers Quarterly Reports</p> <p>https://www.ams.usda.gov/sites/default/files/media/WaiversUSGSAReportTableFY23.pdf</p> <p>This report lists the number of waivers requested and approved each quarter by the FGIS.</p>
AMS	<p>Monthly Meat Grading Tonnage Reports</p> <p>https://www.ams.usda.gov/reports/meat-grading</p> <p>This report provides information about the quantity and quality of red meat graded by AMS each month.</p>

Component	Examples
AMS	<p>The National Weekly Hemp Report is issued by AMS Specialty Crops Market News.</p> <p>https://www.ams.usda.gov/mnreports/fvhemp.pdf</p> <p>This report contains the weekly retail advertised prices for selected hemp commodities as well as total import volumes and values of all hemp commodities entering the U.S. for both the current week and for the year to date.</p>
ARS	<p>The ARS Annual Report on Science</p> <p>https://www.ars.usda.gov/ARSUserFiles/00000000/NPS/OAA/Annual%20Report%20on%20Science/FY%202022/ARS%20Annual%20Report%20on%20Science%202022.pdf</p> <p>This is a compendium of ARS research accomplishments that demonstrates ARS's impact on the food we eat, the water we drink, and the air we breathe.</p>
ARS	<p>Food Safety Annual Report</p> <p>https://www.ars.usda.gov/ARSUserFiles/np108/Annual%20Report/Final%20NP%20108%20FY22%20Annual%20Report.pdf</p> <p>This report captures work of ARS's Food Safety program, whose mission is to enhance and protect public health and agriculture through the development of technologies, strategies, and data that safeguard food from pathogens, toxins, and chemical contaminants during production, processing, and preparation, thus increasing the safety of the food supply.</p>
ARS	<p>Food Animal Production Annual Report</p> <p>https://www.ars.usda.gov/ARSUserFiles/np101/AnnualReports/NP101%20FY2022%20Annual%20Report_FINAL.pdf</p> <p>This report captures work of ARS's Food Animal Production program, which conducts research to improve food animal production efficiency, industry sustainability, animal welfare, product quality, and nutritional value while safeguarding animal genetic resources.</p>
ARS	<p>Animal Health Annual Report</p> <p>https://www.ars.usda.gov/ARSUserFiles/np103/AnnualReports/NP103%20FY2022%20Annual%20Report_FINAL.pdf</p> <p>This report captures work of ARS's Animal Health program, which conducts basic and applied research on selected diseases of economic importance to the United States livestock and poultry industries.</p>

Component	Examples
ARS	<p data-bbox="418 243 792 275">Crop Production Annual Report</p> <p data-bbox="418 312 1398 380"> https://www.ars.usda.gov/ARSUserFiles/np305/PDFsofAnnualReports/FY%202022%20Annual%20Report.pdf </p> <p data-bbox="418 422 1414 594"> This report captures work of ARS’s Crop Production National Program, which supports research to develop knowledge, strategies, systems, and technologies that contribute to greater cropping efficiency, productivity, quality, marketability, and protection of annual, perennial, and nursery crops, and greenhouse and indoor farms, while increasing environmental quality and worker safety. </p>
APHIS	<p data-bbox="418 600 873 632">Wildlife Damage Program Data Report</p> <p data-bbox="418 669 1406 737"> https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/sa_reports/sa_pdrs/pdr-reports-2022 </p> <p data-bbox="418 779 1398 1024"> This is an annual report of the Wildlife Services program, which includes data regarding Funding and Cooperative Funding, Threatened & Endangered Species Conservation Expenditures, Threats to Resources by Wildlife & Occurrence of Damage Reported By Wildlife Services, Technical Assistance Projects Conducted by Wildlife Services, Wildlife Hazard Management at Airports, Wildlife Disease/Conditions Sampled by Wildlife Services, and Animals Dispersed / Killed or Euthanized / Removed or Destroyed / Freed or Relocated. </p>
APHIS	<p data-bbox="418 1031 878 1062">Federal Domestic Soil Quarantine Map</p> <p data-bbox="418 1100 1398 1167"> https://www.aphis.usda.gov/plant_health/permits/organism/soil/downloads/Fed-SoilRegs.pdf </p> <p data-bbox="418 1209 1300 1276"> This map is to assist laboratories receiving domestic origin soil samples for chemical/physical analysis from areas where soil is regulated by USDA. </p>
APHIS	<p data-bbox="418 1283 1019 1314">Annual report of the Federal Select Agent Program</p> <p data-bbox="418 1352 1406 1419"> https://www.selectagents.gov/resources/publications/docs/FSAP_Annual_Report_2022_508.pdf </p> <p data-bbox="418 1461 1406 1732"> This program is run by APHIS in cooperation with the Centers for Disease Control (CDC). The report summarizes aggregate program data in areas such as: Numbers and types of registered entities, as well as amendments to registrations; Top registered select agents or toxins; Security risk assessments performed; Number of inspections conducted; Key observations related to inspection findings and compliance with the select agent regulations; Reported thefts, losses, and releases of select agents or toxins; Identifications and transfers of select agents or toxins; and Publications and outreach activities. </p>

Component	Examples
APHIS	<p>2022 Impact Report</p> <p>https://www.aphis.usda.gov/publications/aphis_general/2022-impact-report.pdf</p> <p>This report captures work on APHIS overall progress in “Keeping U.S. Agriculture Healthy for America and the World”</p>
APHIS	<p>Innovative Solutions to Human-Wildlife Conflicts Accomplishment Report 2022</p> <p>https://www.aphis.usda.gov/publications/wildlife_damage/report-nwrc-2022.508.pdf</p> <p>This report captures research, accomplishments, and publications.</p>
FAS	<p>South Korea Exporter Guide Report</p> <p>https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Exporter%20Guide_Seoul%20ATO_Korea%20-%20Republic%20of_KS2023-0025.pdf</p> <p>This report captures agricultural imports and exports in South Korea.</p>
FAS	<p>Canada Wood Pellets Annual Report</p> <p>https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Wood%20Pellets%20Annual_Ottawa_Canada_CA2023-0055.pdf</p> <p>This report captures wood pellet production in Canada.</p>
FAS	<p>Israel biotechnology annual report</p> <p>https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Agricultural%20Biotechnology%20Annual_Tel%20Aviv_Israel_IS2023-0015.pdf</p> <p>This report captures biotechnology use and policy in Israel.</p>
FAS	<p>South Korea Citrus Annual Report</p> <p>https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Citrus%20Annual_Seoul_Korea%20-%20Republic%20of_KS2023-0024.pdf</p> <p>This report captures the citrus industry in South Korea</p>

Component	Examples
FAS	<p>Food and Agricultural Import Regulations and Standards (FAIRS) Annual Report Argentina</p> <p>https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=FAIRS%20Annual%20Country%20Report%20Annual_Buenos%20Aires_Argentina_AR2023-0019.pdf</p> <p>This report provides an overview and update on regulations and standards for importing U.S. food and beverage products to Argentina.</p>
FPAC	<p>Crop Acreage Data</p> <p>https://www.fsa.usda.gov/news-room/efoia/electronic-reading-room/frequently-requested-information/crop-acreage-data/index</p> <p>Farm Service Agency policy requires that producers participating in several programs submit an annual report regarding all cropland use on their farms. Data is reported in the following categories: planted; prevented planted; and failed.</p>
FPAC	<p>Monthly Conservation Reserve Program (CRP) reports</p> <p>https://www.fsa.usda.gov/programs-and-services/conservation-programs/reports-and-statistics/index</p> <p>This report provides statistics about land enrolled in the CRP.</p>
FPAC	<p>The Agriculture Risk Coverage (ARC) program County Benchmark Yields and Revenues as of February 16, 2023</p> <p>https://www.fsa.usda.gov/programs-and-services/arcplc_program/arcplc-program-data/index</p> <p>This information provides adjusted yields, benchmark yields and guarantee revenues for program year 2023.</p>
FPAC	<p>The Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) programs, 2023 Enrolled Base Acres by Program by Commodity</p> <p>https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/arc-plc/2023/pdfs/2023_enrolled_base_web.pdf</p> <p>This provides information about acres enrolled in ARC and PLC programs.</p>
FPAC	<p>Market Year Average Prices Report</p> <p>https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/arc-plc/2023/pdfs/2023_my.pdf</p> <p>This provides data about average commodity prices by year.</p>

Component	Examples
FSIS	<p>The Meat, Poultry and Egg Product Inspection (MPI) Directory</p> <p>https://www.fsis.usda.gov/inspection/establishments/meat-poultry-and-egg-product-inspection-directory</p> <p>This is a listing of establishments that produce meat, poultry, and/or egg products regulated by FSIS. The Establishment Demographic Data includes additional establishment information about FSIS regulated establishments, including size, species slaughtered and aggregate categorical production information.</p>
FSIS	<p>Quarterly Enforcement Reports</p> <p>https://www.fsis.usda.gov/inspection/regulatory-enforcement/quarterly-enforcement-reports</p> <p>This report provides a summary of the enforcement actions FSIS has taken to ensure that meat, poultry, and egg products reaching consumers are safe, wholesome, and properly labeled.</p>
FSIS	<p>Quarterly Sampling Reports on Salmonella and Campylobacter</p> <p>https://www.fsis.usda.gov/science-data/data-sets-visualizations/microbiology/microbiological-testing-program-rte-meat-and-7</p> <p>This report provides data from salmonella and campylobacter testing.</p>
FSIS	<p>Salmonella Verification Testing: November 27, 2022, through November 25, 2023</p> <p>https://www.fsis.usda.gov/news-events/publications/salmonella-verification-testing-november-27-2022-through-november-25-2023</p> <p>This provides information on salmonella verification testing for individual establishments and the aggregated data for young chicken and turkey carcasses, raw chicken parts, and NRTE comminuted poultry establishments.</p>
FSIS	<p>France Foreign Audit Report</p> <p>https://www.fsis.usda.gov/sites/default/files/media_file/documents/France_FAR-FY23.pdf</p> <p>This report provides a comprehensive audit of France’s inspection systems to ensure compliance with the regulatory requirements of the: Federal Meat Inspection Act; Poultry Products Inspection Act; Egg Products Inspection Act; Humane Methods of Livestock Slaughter Act.</p>

Component	Examples
FS	<p>Forest Products Cut and Sold Reports</p> <p>https://www.fs.usda.gov/forestmanagement/products/cut-sold/index.shtml</p> <p>These cut and sold reports show total volumes and values of all convertible forest products sold and harvested from the National Forest System lands and National Grasslands agency-wide, and by organizational unit. In addition, these reports show the amounts and values of species and products sold and harvested, including all other forest products that cannot be converted into volume measure (non-convertible).</p>
FS	<p>Periodic Timber Sale Accomplishment Reports (PTSAR)</p> <p>https://www.fs.usda.gov/forestmanagement/products/ptsar/index.shtml</p> <p>The PTSAR tracks forest product volume in various categories, including the regular program funded with appropriations, the Salvage Sale Fund, personal use permits and small commercial sales. In addition, PTSAR reports progress at Gates 4 (advertisement), Gate 5 (bid opening) and Gate 6 (award) including identification of status such as ongoing, delays, no-bids and re-offered volume. Fiscal year timber sale volume targets are also shown so that progress could be monitored.</p>
FS	<p>Forest Health Monitoring: National Status, Trends and Analysis, 2022</p> <p>https://www.srs.fs.usda.gov/pubs/gtr/gtr_srs273/gtr_srs273.pdf</p> <p>This provides forest health status and trends from a national or multistate regional perspective using a variety of sources, introduces new techniques for analyzing forest health data, and summarizes results of recently completed Evaluation Monitoring projects funded through the FHM national program.</p>
FS	<p>Forest Inventory and Analysis Fiscal Year 2022 Business Report</p> <p>https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/FIA-2022-Business-Report.pdf</p> <p>This report summarizes program activities and progress towards implementing the 2018 Farm Bill direction. This annual business report, the program's 25th, describes program resources, accomplishments, and plans for the coming year.</p>
FS	<p>Major Forest Insect and Disease Conditions in the United States: 2022</p> <p>https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/Major-Forest-Conditions-2022.pdf</p> <p>The report focuses on major insects and diseases that annually impact our Nation's forests. This 2022 update provides a national summary of the major changes and status of major forest pests with updated charts, tables, and maps.</p>

Component	Examples
NASS	<p>Cost of Pollination reports</p> <p>https://usda.library.cornell.edu/concern/publications/d504rk335</p> <p>These reports contain current and previous year data on cost of pollination for tree fruit, melons, blueberries, vegetables, citrus, and other crops. Data is presented in a price per acre, colonies used, price per colony, and total value of pollination by class and type of fruit.</p>
NASS	<p>Cotton System Production and Stocks reports</p> <p>https://usda.library.cornell.edu/concern/publications/ng451h506</p> <p>A monthly report that is part of the Current Agricultural Industrial Reports (CAIR) program. The report provides monthly and annual totals for extra-long staple cotton and manmade fibers consumption, as well as ending stocks and monthly spindle activity on the U.S. cotton system.</p>
NASS	<p>Dairy Products reports</p> <p>https://usda.library.cornell.edu/concern/publications/m326m1757</p> <p>A monthly report containing production data for butter, cheese, frozen products, evaporated, condensed, and dry milk and whey products, and shipments and stocks of dry milk and whey products, grouped by major states and the U.S.</p>
NASS	<p>North American Potatoes Annual report</p> <p>https://usda.library.cornell.edu/concern/publications/4m90dv511</p> <p>This publication is the result of a joint effort by NASS and Statistics Canada to provide producers with additional information about potato production in North America. The release includes area planted and harvested, yield, production, utilized production, market year average price, and value of sales for both countries.</p>
NASS	<p>Livestock Slaughter monthly reports</p> <p>https://usda.library.cornell.edu/concern/publications/rx913p88g</p> <p>This monthly full-text file contains the number of head, live weight, dressed weight of cattle, calves, sheep, lambs, hogs, and pigs slaughtered in commercial plants and number by class in federally inspected plants by regions as well as red meat production by species by states and U.S..</p>

Component	Examples
OCE	<p>The World Agricultural Supply and Demand Estimates (WASDE) reports</p> <p>https://www.usda.gov/oce/commodity/wasde</p> <p>This report provides annual forecasts for supply and use of U.S. and world wheat, rice, coarse grains, oilseeds, and cotton. The report also covers U.S. supply and use of sugar, meat, poultry eggs and milk, as well as Mexico’s supply and use of sugar.</p>
OCE	<p>U.S. Agriculture in Drought weekly reports</p> <p>https://www.usda.gov/sites/default/files/documents/AgInDrought.pdf</p> <p>This publication utilizes the U.S. Drought Monitor, provided by the National Drought Mitigation Center (NDMC), to highlight agricultural areas impacted by drought, and quantifies these impacts in terms of the percent of an agricultural commodity located within varying magnitudes of dryness.</p>
OCE	<p>Weekly Weather and Crop Bulletin</p> <p>https://www.usda.gov/sites/default/files/documents/wwcb.pdf</p> <p>The Weekly Weather and Crop Bulletin (WWCB) is jointly prepared by the U.S. Department of Agriculture and Commerce. The WWCB, published in various forms since 1872, provides a vital source of information on U.S. and global weather, climate, and agricultural developments, along with seasonally appropriate agrometeorological charts and tables.</p>
OCE	<p>Weekly International Weather and Crop Highlights</p> <p>https://www.usda.gov/sites/default/files/documents/FCW.pdf</p> <p>These highlights feature significant weather and crop impacts in international regions.</p>
OCE	<p>Commodity Outlook Reports</p> <p>https://www.usda.gov/oce/ag-outlook-forum/commodity-outlooks</p> <p>These are annual reports on the outlook for cotton, dairy, grains and oilseeds, livestock and poultry, and sugar.</p>
RD	<p>Multi-Family Housing Income Limits Report</p> <p>https://www.rd.usda.gov/media/file/download/rd-mfhlimitmap.pdf</p> <p>These reports provide FY23 income limits by location for the MFH program.</p>



Component	Examples
RD	<p>Rural Utilities Loan Interest Rates</p> <p>https://www.rd.usda.gov/page/rural-utilities-loan-interest-rates</p> <p>This is a listing of current interest rates for RUS loans.</p>
RD	<p>Rural Data Gateway</p> <p>https://www.rd.usda.gov/rural-data-gateway</p> <p>This link features rural investments dashboards that significantly expand access to RD financial data through an easy-to-use interface that allows data from more than 65 RD programs to be viewed and downloaded.</p>
RD	<p>USDA Rural Development 2022 Accomplishments in Virginia</p> <p>https://www.rd.usda.gov/media/file/download/va-fy22-progress-report.pdf</p> <p>This is a report on RD activities in Virginia.</p>
RD	<p>Procedure Notices and Special Procedure Notices</p> <p>https://www.rd.usda.gov/resources/directives/procedures-notices</p> <p>This lists changes made to RD forms and instructions</p>
FNS	<p>Best Practices in Disaster SNAP Administration and Planning</p> <p>https://fns-prod.azureedge.us/sites/default/files/resource-files/dsnap-BestPractices-operations-planning-FinalReport.pdf</p> <p>Through an examination of 5 disasters in 4 states, this study develops recommendations for best practices in planning for, implementing, and operating D-SNAP.</p>
FNS	<p>Summer Food Service Program Integrity Study.</p> <p>https://fns-prod.azureedge.us/sites/default/files/resource-files/sfsp-integrity-study-report.pdf</p> <p>The Summer Food Service Program Integrity Study was designed to improve understanding of how state agencies provide oversight of the SFSP. To address the research objectives, the study examined such areas as sponsor and site selection, training and technical assistance, meal counting and claiming, and reviews. The findings, based on data collected in 2021, also offered some preliminary responses about the impact of the COVID-19 pandemic on SFSP operations.</p>

Component	Examples
FNS	<p>Child Nutrition Program Operations During the COVID-19 Pandemic, March Through September 2020.</p> <p>https://fns-prod.azureedge.us/sites/default/files/resource-files/smo-year1march-sept2020-finalreport.pdf</p> <p>This data collection fulfills states' reporting requirements and describes trends in program participation during the early months of the COVID-19 pandemic. It is part of an ongoing study series examining CN program operations, repurposed to collect waiver reports from all states.</p>
FNS	<p>Reaching Those in Need: Estimates of State SNAP Participation Rates in 2020.</p> <p>https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-participation-2020-final-report.pdf</p> <p>This report—part of an annual series—presents estimates of the percentage of eligible persons, by state, who participated in USDA's SNAP during an average month in fiscal year 2020 and in the two previous fiscal years. Because the Coronavirus COVID-19 public health emergency affected data collection starting in March 2020, this summary covers only the pre-pandemic period of October 2019 through February 2020. Thus, this report presents rates only for all eligible persons during the pre-pandemic months of FY 2020.</p>
REE	<p>Household Food Security in the United States in 2022.</p> <p>https://www.ers.usda.gov/webdocs/publications/107703/err-325.pdf?v=2135.6</p> <p>This report provides statistics on food security in U.S. households throughout 2022 based on the Current Population Survey Food Security Supplement data collected in December 2022.</p>
REE	<p>Sugar and Sweeteners Outlook: December 2023</p> <p>https://www.ers.usda.gov/webdocs/outlooks/108158/sss-m-424.pdf?v=7363.8</p> <p>The December 2023 Sugar and Sweeteners Outlook explains USDA's changes in the official 2022/23 and 2023/24 projections for the U.S. and Mexico sugar and sweetener supply and use that were released in the December 8 World Agricultural Supply and Demand Estimates report.</p>

Component	Examples
REE	<p>The Food and Nutrition Assistance Landscape: Fiscal Year 2022 Annual Report</p> <p>https://www.ers.usda.gov/webdocs/publications/106763/eib-255.pdf?v=8383.6</p> <p>This report uses preliminary data from USDA, Food and Nutrition Service (FNS) to examine program trends and policy changes in USDA’s largest U.S. food and nutrition assistance programs through FY 2022. It also summarizes a recent USDA, Economic Research Service (ERS) report examining the prevalence of household food insecurity in the United States in 2021 and another USDA, ERS report examining changes in food choices in the USDA Foods program.</p>
REE	<p>Household Food Security in the United States in 2022</p> <p>https://www.ers.usda.gov/webdocs/publications/107703/err-325.pdf?v=2773.8</p> <p>This report presents statistics from the survey that cover household food security, food expenditures, and use of Federal food and nutrition assistance programs in 2022.</p>

5. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency’s website?

Yes. USDA is taking steps to make the posted information more useful to the public.

6. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

USDA recognizes that data products have their most value when they are made available to the widest range of users for the widest range of purposes and impose no barriers to any person or group of persons. As such many USDA components like our Economic Research Service (ERS) have standards and policies in place requiring data products to be released in common machine-readable formats that facilitate ease of use by a range of audiences

and minimize the obstacles to using information contained in data files. In ERS, new data products must conform to this standard, and existing data products will be migrated over time.

7. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

Yes. Online postings continue to require coordination between program offices, Government Information Specialists, USDA's IT service provider, Section 508 Coordinators, the Office of Communications, and in some instance the Office of Congressional Relations.

IV: Steps Taken to Greater Utilize Technology

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands.

Yes. USDA has reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

The OIA continues its work to deploy its recently procured electronic records management system, AgRecords in compliance with the [M-23-07](#) mandate. As relayed in the last Chief FOIA Officer Report, AgRecords will serve as the Department's document and digital information asset management repository and enable USDA's FOIA community to timely locate electronic records in response to FOIA requests. The OIA is currently working to

onboard Departmental Administration and Staff Offices' emails, OneDrive, Teams, and SharePoint records by the end of the calendar year.

The OIA, like a few other USDA FOIA components, also began utilizing contract services to leverage an eDiscovery and legal search software solution to assist with the review of complex requests involving the review of tens of thousands of records. These services although limited due to budget restraints, ensured the OIA was able to close its oldest requests and administrative appeals.

Other USDA components reported purchasing licenses for an add-on tool for USDA current enterprise wide FOIA tracking system which allows users to filter, deduplicate, rank, and sort records. Then when ready, users can export the relevant records into the document management system for further review, redaction, and processing. For a few components without the add-on, Adobe Acrobat Professional was utilized which includes some limited predictive coding features.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

Yes. As relayed above, USDA does currently use technology to automate record processing. No assessments have been initiated to determine cost savings however a few USDA components advised that the tools were contributors to their backlog reductions.

4. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance.

USDA's FOIA components are advised to monitor their individual FOIA landing pages to ensure contact information is current, links are accessible, logs are up-to-date, and other essential resources are available and to the extent permitted, in a machine-readable format.

Some USDA components reported working with their IT professionals to revamp their FOIA landing pages. Items like search functionality and naming conventions are being evaluated to allow users to filter potentially hundreds of records with various search parameters.

5. Did all four of your agency's quarterly reports for Fiscal Year 2023 appear on your agency's website and on FOIA.gov?

Yes. All four quarterly reports for Fiscal Year 2023 appear on USDA's website and FOIA.gov.

6. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2024.

Not applicable. All four quarterly reports were posted.

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2020 and if available, your agency's Fiscal Year 2021 Annual FOIA Report.

Please see <https://www.usda.gov/ogc/office-information-affairs/foia-division>.

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

All USDA components are interoperable.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

A. Remove Barriers to Access

1. Has your agency established alternative means of access to first-party requested records outside of the FOIA process.

Yes. USDA has established alternative means of access to first-party requested records outside of the FOIA process.

2. If yes, please provide examples.

The FSIS continues to grant access to a web-based system that collects information generated from inspections, compliance verification, notification, and monitoring activities regarding the slaughter, processing, import and export of meat, and poultry products.

The FS continues to route first-party requests for employment verification and security clearance screening to its Human Resources Management Contact Center. FS' Region 2 also continued coordination with its Law Enforcement and Investigations team on a more efficient and direct method for first-party requesters to access accident reports.

Additionally, RD FOIA Office continued its redirection of mortgage-related requests to the Agency's Customer Service Center (CSC) in St. Louis, Missouri. CSC is the servicer for borrowers with loans under the Agency's Single-Family Housing Program. Requesters now have a direct contact in CSC

to address mortgage-related requests concerning loan payoffs, payment history, defaults, foreclosure, or any other inquiries concerning the serving of their loan. The implementation of this effort continues to be vital in the reduction of RD's inventory of backlog requests.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

The OIA continues to encourage USDA's FOIA professionals to identify record categories that are readily accessible for private use without filing a FOIA or Privacy Act request.

B. Timeliness

4. For Fiscal Year 2023, what was the average number of days your agency reported for adjudicating requests for expedited processing?

USDA's average number of days to adjudicate requests for expedited processing is 10.27 days.

5. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days on your agency's Fiscal Year 2023 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

USDA is pleased to report that it reduced its average by 19.64 days. Since the number is slightly above ten calendar days, the OIA will continue to provide notices to those Government Information Specialist with requests that are either close to or going beyond the statutory timeframe for adjudication with the aim of seeing further reductions in 2024.

6. Does your agency utilize a separate track for simple requests.

Yes. USDA utilizes a separate track for simple requests.

7. If your agency uses a separate track for simple requests, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2023?

No. USDA is still slightly above twenty working days at 22.76.

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

Yes. USDA reduced its average processing time by 1.1 working days in 2023.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 that were placed in the simple track.

The percentage of requests processed by USDA that were placed in the simple track is 89.21 %.

10. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Not applicable. USDA tracks its simple requests separately.

C. Backlogs

Backlogged Requests

11. If your agency had a backlog of requests at the close of the Fiscal Year 2023, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2022?

Yes. USDA's backlog decreased by approximately 1% in Fiscal Year 2023.

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
USDA OVERALL	1,991	1,972

12. If not, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?

Not applicable. USDA's backlog decreased in Fiscal Year 2023.

13. If your agency's request backlog increased during Fiscal Year 2023, please explain why, and describe the causes that contributed to your agency not being able to reduce its backlog.

Not applicable. USDA's backlog decreased in Fiscal Year 2023.

14. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2023.

The percentage of requests that make up the backlog out of the total number of requests received by USDA is 11.88%.

15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2022?

No. USDA's backlogged appeals increased by approximately 3.5%.

	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
USDA OVERALL	143	148

16. If not, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?

No. USDA processed 30% less administrative appeals in Fiscal Year 2023.

17. If your agency’s appeal backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

The few USDA components with administrative appeal backlogs advised that they have been significantly affected by attrition as many of their FOIA professionals process records requests as a collateral duty.

18. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2023.

The percentage of appeals that make up the backlog out of the total number of appeals received by USDA in Fiscal Year 2023 is 134.55%.

D. Backlog Reduction Plans

19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency’s efforts in implementing this plan and note if

your agency was able to achieve backlog reduction in Fiscal Year 2023?

Yes. USDA did implement a backlog reduction plan. While USDA, did not meet every goal, it was able to reduce the initial request backlog by about 1%, close out the ten oldest initial requests and consultations, and close 60% of its ten oldest administrative appeals. Accordingly, the OIA will continue to require each FOIA component to set quarterly backlog goals, share and reinforce request management tools, perform routine check-ins with FOIA leadership, and advocate for additional resources to support processing.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency’s plan to reduce this backlog during Fiscal Year 2024.

Given its success, USDA will implement the prior year’s plan in FY24.

E. Reducing the Age of Requests, Appeals, and Consultations

Ten Oldest Requests

21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?

USDA closed its ten oldest pending perfected requests.

22. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2022 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Not applicable. USDA closed its ten oldest pending perfected requests.

23. Beyond work on the ten oldest requests, please describe any

steps your agency took to reduce the overall age of your pending requests.

The OIA continued to meet with the FOIA components throughout Fiscal Year 2023 to assist them with developing individual plans aimed at the search, collection, and review of older complex requests.

TEN OLDEST APPEALS

24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?

USDA did not close its ten oldest appeals.

25. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

USDA closed a total of six of its ten oldest appeals.

26. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

Some USDA FOIA components utilized the OIA's Blanket Purchase Agreement to procure FOIA contract support to process some of the older more complex administrative appeals.

Ten Oldest Consultations

27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?

Yes. USDA closed its ten oldest consultations.

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- 28. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

Not applicable. USDA closed its ten oldest consultations.

Additional Information Regarding Ten Oldest

- 29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why, and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2024.**

USDA closed its ten oldest pending requests and consultations but was unable to close its ten oldest appeals. The OIA is already meeting with FOIA Officers to discuss the status of their requests on the Department’s ten oldest initial requests, consultations, and administrative appeals. The OIA will monitor progress via USDA’s enterprise wide FOIA tracking system and provide support if needed.

F. Additional Information about FOIA Processing

- 30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA requests processing and backlog. If possible, please indicate:**
- a. The number and nature of requests subject to litigation**
 - b. Common causes leading to litigation**
 - c. Any other information to illustrate the impact of litigation on your overall FOIA administration.**

Yes. USDA received approximately twenty complaints this reporting period alleging either constructive denial or improper application of FOIA exemptions 4 and/or 5. Most of these complaints were directed to APHIS,

OIA, and FS. The subject of these complaints included wildland fire emergencies, land exchanges, applications to initiate mineral withdrawal of federal land, climate adaption plans, lethal removal of livestock, international health certificates for livestock, the Supply Chain Disruption Task force, and communication involving political appointees.

The requests identified in the complaints were generally complex in nature, involving internal and external coordination in addition to the review of thousands of potentially responsive records. The FOIA professionals tasked with processing the records will typically work solely on the litigation for a period that can easily exceed 3-6 months. Accordingly, they are unable to work on other incoming initial requests or administrative appeals in their queue. As those requests become backlogged, the components they service, run the risk of additional litigation.